

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

RODNEY THOMAS

Criminal No. 23-160

FILED

JUL 18 2023

**INDICTMENT MEMORANDUM**

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA  
Eric G. Olshan,

AND NOW comes the United States of America, by its attorneys,

United States Attorney for the Western District of Pennsylvania, and Nicole A. Stockey, Assistant

United States Attorney for said District, and submits this Indictment Memorandum to the Court:

**I. THE INDICTMENT**

A federal grand jury returned a one-count indictment against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
One	Taking a Bald Eagle in violation of the Bald Eagle Protection Act  May 12, 2023	16 U.S.C. § 668(a)

**II. ELEMENTS OF THE OFFENSE**

**A. As to Count One:**

In order for the crime of taking a bald eagle in violation of the Bald Eagle Protection Act, in violation of 16 U.S.C. § 668(a), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. The defendant acted knowingly or with wanton disregard for the

consequences of his act.

2. The defendant did take a bald eagle, which includes pursuing, shooting, shooting at, wounding, killing, and/or disturbing.

3. The bird was a bald eagle.

4. The defendant took the bald eagle unlawfully, that is without being permitted to do so, by the Department of the Interior.

Title 16, United States Code, Section 668(a); Title 16, United States Code, 668c; 50 Code of Federal Regulations, Section 22.11.

## **II. PENALTIES**

**A. As to Count One: Taking a Bald Eagle in violation of the Bald Eagle Protection Act (16 U.S.C. § 668(a)), the maximum possible penalties are:**

1. A term of imprisonment of not more than one (1) year.
2. A fine not more than \$5,000.00, or both.
3. A term of supervised release of not more than one year.

In the case of a second or subsequent conviction for a violation committed after October 23, 1972, such person shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Title 16, United States Code, Section 668(a)

## **IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$25.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

## **V. RESTITUTION**

Restitution may be applicable in this case.

**VI. FORFEITURE**

As set forth in the Indictment, forfeiture may be applicable in this case.

Respectfully submitted,

ERIC G. OLSHAN  
United States Attorney

/s/ Nicole A. Stockey  
NICOLE A. STOCKEY  
Assistant U.S. Attorney  
PA ID No. 306955